

Patent
Attorney Docket: 302,670-7
(prev 265/072)

REMARKS

Claims 1-10 and 21-32 are pending in the Application. Claims 1-10 and claim 21 are allowed. Claims 22 and 23 are rejected under § 103(a) as being unpatentable over Chiou et al. (1997) in view of Imasaka et al. (EP 635,994), Nishimura et al. (EP 556,748) and Grier et al. (U.S. Patent No. 6,055,106). Claims 24-32 are newly added. Claim 22 has been amended to recite the allowable feature that the particles are separated at least in part based upon the dielectric constant of the particles. Newly added claims 24-32 correspond to allowed claims 2-10, the difference being that claims 24-32 depend either directly or indirectly from independent claim 22. All of the claims should be allowable over the art of record.

Applicants have amended the specification to even more clearly claim priority to U.S. Application Serial No. 09/845,245, filed on April 27, 2001. The present Application is a continuation-in-part of the '245 Application. The "Related Applications" information has been set forth in a separate paragraph so as to avoid any confusion.

In reviewing the Form PTO/SB/08A accompanying the November 10, 2003 Office Action, it appears that the following reference: *Imasaka et al.*, "Optical Chromatography," *Analytical Chemistry*, Vol. 67, No. 11, pp. 1763-65, June 1, 1995 was missing from the May 23, 2002 Information Disclosure Statement. A copy of the *Imasaka et al.* reference is included herewith. Applicants request that that above-identified reference be considered by the Examiner such that the reference may appear on the face of the patent issuing from this Application.


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If there are any questions concerning this paper, please contact the undersigned at
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Respectfully submitted,

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